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SECRETARY-GENERAL'S BULLETIN

AMENDMENT OF FINANCIAL RULE 110.32: PROPERTY SURVEY BOARD

The Secretary-General, pursuant to financial rule 114.5 entitled "Amendment of Rules", and for the purpose of amending financial rule 110.32, entitled "Property Survey Board", promulgates the following:

Section 1

General provision

The present bulletin shall amend financial rule 110.32, entitled "Property Survey Board" for the purpose of expanding the Property Survey Board's mandate to include the consideration of claims from Governments for loss of or damage to contingent-owned equipment that they contributed to peacekeeping and similar operations. Financial rule 110.32, as amended, shall include a new paragraph (e), as follows:

"(e) The Property Survey Board shall also consider claims from Governments for loss of or damage to contingent-owned equipment in accordance with terms of reference determined by the Secretary-General."

Section 2

Review by the Headquarters and Local Property Survey Boards

2.1 The Headquarters Property Survey Board shall consider claims from Governments for loss of or damage to contingent-owned equipment.

2.2 In accordance with financial rule 110.34, claims from Governments for loss of or damage to contingent-owned equipment may be considered by the Local Property Survey Boards under the terms of reference promulgated by the present bulletin.

Section 3

Functions of the Headquarters and Local Property Survey Boards for contingent-owned equipment cases

3.1 The functions of the Headquarters and Local Property Survey Boards when considering contingent-owned equipment cases will include:

(a) Examining the facts and the cause of the loss of or damage to the contingent-owned equipment;

(b) Assessing whether the United Nations has responsibility to compensate for the loss or damage incurred by the claimant Government, e.g., on the basis of arrangements, if any, between the United Nations and the Government, or if the United Nations is at fault therefor, for example in the event of negligence or wilful misconduct on the part of United Nations personnel;

(c) Assessing whether, on the basis of the facts of the loss or damage, the Government is responsible for the loss of or damage to the contingent-owned equipment owing to, inter alia, the negligence or wilful misconduct of its personnel;

(d) Recommending a reasonable amount as compensation for the loss of or damage to the contingent-owned equipment, if the Headquarters or Local Property Survey Boards determine that the United Nations is responsible to compensate the Government.

3.2 In recommending any compensable amounts, the Boards shall take the following into account:

(a) Whether the particular claim arose out of events which occurred after the establishment, on 1 July 1996, of the new procedures for determining reimbursement to Member States for contingent-owned equipment, in which case, those new procedures shall govern the determination of the compensable amounts, if any;

(b) Whether the particular claim arose out of events which occurred prior to the establishment, on 1 July 1996, of the new procedures for determining reimbursement to Member States for contingent-owned equipment but the Government concerned has specified to the United Nations that its claim should be considered in accordance with such new procedures, in which case those new procedures shall govern the determination of the compensable amounts, if any;

(c) If the particular claim arose out of events which occurred prior to the establishment, on 1 July 1996, of the new procedures for determining reimbursement to Member States for contingent-owned equipment and the Government concerned has not specified to the United Nations that its claim should be considered in accordance with such new procedures, the amount recommended by the Headquarters or Local Property Survey Boards as compensation for the loss of or damage to the contingent-owned equipment shall be reasonable, taking into account, inter alia, the incoming inventory and depreciated value of the equipment, its useful life, its use in the particular conditions of the mission,

and any monies previously paid by the United Nations for its use, including maintenance or repair expended on such equipment.

Section 4

Procedures

The Headquarters and Local Property Survey Boards shall establish their own procedures.

Section 5

Final provisions

The present bulletin shall enter into force on 1 October 1998.

(Signed) Kofi A. ANNAN
Secretary-General